

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATIONAL INDOOR FOOTBALL	)	
LEAGUE, L.L.C.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	02: 02cv0548
	)	
R.P.C EMPLOYER SERVICES, INC., and	)	
DAN J. D'ALIO,	)	
	)	
Defendant.	)	

**ORDER OF COURT**

AND NOW, this 23rd day of March, 2006, upon consideration of the MOTION TO STRIKE WITNESSES AND MEDICAL DOCUMENTS filed by Defendants (*Document No. 72*), and the response in opposition filed by the Plaintiff (*Document No. 79*), it is hereby **ORDERED** as follows:

a. Defendants' request to preclude Plaintiff from offering any witnesses listed on its March 14, 2006 List of Witnesses or, in the alternative, any witnesses so listed but not listed in Plaintiff's Pretrial Statement is **DENIED**;

b. Defendants' request to preclude Plaintiff from offering into evidence any medical exhibits on its March 14, 2006, List of Exhibits or, in the alternative, any medical documentation provided to Defendants on March 13, 2006 is **GRANTED IN PART AND DENIED IN PART** as follows:

1. Plaintiff will be allowed to introduce into evidence any and all medical records supplied to Defendants in November 2005 to the extent that the records in

question are admissible under Federal Rules of Evidence 803(6) and 902(11), or otherwise with an appropriate foundation witness;

2. Plaintiff will be allowed to introduce into evidence any medical(s) records or documents that were produced to Defendants on March 13, 2006, if such records constitute the underlying supporting documentation to establish or confirm the accuracy of the information set forth in the medical provider-completed Health Insurance Claim Forms (HCFA-1500s) that were previously produced to Defendants in November 2005, to the extent that the records in question are admissible under Federal Rules of Evidence 803(6) and 902(11), or otherwise with an appropriate foundation witness. *See* November 18, 2005, correspondence from Timothy Leventry, Esquire to Michael J. Seymour, Esquire; and December 5, 2005, correspondence from Timothy Leventry, Esquire to Michael J. Seymour, Esquire.

3. To the extent that the documents produced on March 13, 2006 are beyond the scope of those records provided to Defendants in November 2005, same will be excluded.

BY THE COURT:

s/Terrence F. McVerry  
United States District Court Judge

cc: Forrest B. Fordham, III, Esquire  
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